

Testimony By Mr. Raphael Bear

President

Intertribal Council of Arizona

Biography:

Raphael

Bear was elected President of the Fort McDowell Yavapai Nation in January 2004. Prior to his election, President Bear served over ten years in various positions within Fort McDowell Tribal government. During that time, President Bear was a member of the Planning Advisory Board, Tribal Gaming Commission, Environmental Board, and Constitution Committee. President Bear was directly involved in the planning and construction of numerous Tribal facilities, among them the 1,300 acre Tribal farm, the award-winning We-Ko-PA golf course, over 80 new homes for Tribal members and several Tribal government buildings. Immediately prior to his election, President Bear was the Nation's General Manager, responsible for the overall administration of Tribal government.

President Bear

currently serves as the President of the Inter Tribal Council of Arizona, Inc., Board of Directors for the Fiesta Bowl Committee, Scottsdale Convention and Visitors Bureau, and is the Nation's delegated representative to the Maricopa Association of Governments and the Arizona Indian Gaming Association.

President Bear was

born in Sacaton, Arizona and raised on the Fort McDowell Yavapai Nation. He is married (Mary) and has two daughters (Tahlia and Desiree). He is a Marine Corp veteran.

Testimony:

Chairman Vernon J. Ehlers, Good evening and welcome to Arizona. I am Raphael Bear, President of the Ft. McDowell Yavapai Nation and President of the Inter Tribal Council of Arizona, Inc. an organization of 20 American Indian governments here in Arizona.

I am glad to have this opportunity to speak to the H.R. 5913, the Voter Integrity Protection Act of 2006, introduced in the House of Representatives on July 26, 2006. I believe that H.R. 5913 will inflict violence to the principles of freedom and equality and erect major barriers to the right of American Indian citizens to register to vote and to vote in this country. A similar law was passed here in Arizona as proposition 200 in the last election. This proposition is proving to be a major barrier for many American Indian people to register to vote and to vote.

In 1948, two Yavapai men from my reservation won a ruling by the Supreme Court of Arizona that recognized the right of Indian people to vote. Since that time progress has been made in registering Indian people to vote and Indian people exercising their right to vote by going to the polls on Election Day.

Arizona Proposition 200, which is now law, and the proposed H.R. 5913 will greatly affect the progress that has been made toward encouraging Indian people to vote. Many Indian people, especially elders, don't have birth certificates, driver's licenses or two forms of Tribal identification.

Special regulations for identification for Indian people were included in the implementation regulations for Proposition 200 because it was realized the law imposed requirements on Indian people that would hinder their right to register to vote and to vote at the polls. However, the special regulations do not resolve the problems of identification and proof of citizenship as Tribal identification documents are different, contain different information such as some not having a photograph, others may, and some Tribes not having a Tribal identification card at all. Also, the uncertainty about what is acceptable ID for American Indians will prove to be extremely confusing for the poll workers. A provisional ballot which may or may not be issued based on what a poll worker may accept as ID may or may not in the end be counted, again, based on misunderstanding by the poll worker of whether the person should or should not be issued a provisional ballot. Further, the person issued the provisional ballot may need to make a trip to the county recorders' office to substantiate proof of identification. For most American Indian citizens who reside on the reservations this trip could mean several hours of driving because county records offices for many American Indian voters are many miles away. The other forms of acceptable identification are also impediments. Indian citizens living on reservations may not have phone services, so there would not be a phone bill, may not have utility bills and will not have a property tax notification.

H.R. 5913, like Arizona Proposition 200, will take us several steps backwards and would actually result in denying the right of Indian people to vote, a right that was valiantly fought for, particularly by the two men from my homeland, the Ft. McDowell Yavapai Nation, the late Frank Harrison and Harry Austin who won recognition of the right of Indian people in Arizona to vote in Federal and State elections in 1948.

I consider the present law, Proposition 200, to be a direct attack on the efforts of these two men and others who worked so hard to assure the rights of Indian people to register to vote and to vote.

I urge the members of this Committee to put aside H.R. 5913 and instead consider ways to encourage all American citizens to register to vote and to vote, which are fundamental rights in our democratic system of government.

Congressman Ehlers, thank you for this opportunity to present my views on the present Arizona law pertaining to requirements for registering to vote and to vote in State and Federal elections in Arizona.